The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 221, nays 181, answered "present" 2, not voting 28, as follows:

#### [Roll No. 1094]

YEAS-221Hall (NY) Abercrombie Nadler Ackerman Hare Napolitano Hastings (FL) Allen Neal (MA) Andrews Heller Obey Arcuri Herger Olver Herseth Sandlin Baca Ortiz Baird Higgins Pallone Baldwin Hill Pascrell Hinchey Barrow Pastor Bean Hinojosa Pavne Becerra. Hirono Perlmutter Berkley Hodes Pomerov Berman Holden Price (NC) Bishop (GA) Holt Rahall Bishop (NY) Honda Rangel Blumenauer Hooley Reyes Boren Hoyer Richardson Boswell Inslee Rodriguez Boucher Israel Ros-Lehtinen Boyd (FL) Jackson (IL) Boyda (KS) Jackson-Lee Rothman Brady (PA) (TX) Roybal-Allard Braley (IA) Jefferson Ruppersberger Buchanan Johnson (GA) Rvan (OH) Butterfield Johnson (IL) Salazar Johnson, E. B. Buyer Sánchez, Linda Capito Jones (NC) Jones (OH) Capps Sanchez, Loretta Capuano Kagen Sarbanes Cardoza Kennedy Schakowsky Carnahan Kildee Schwartz Kilpatrick Castor Scott (GA) Chandler Kind Scott (VA) Clarke Kirk Sestak Clay Klein (FL) Shea-Porter Cleaver Kucinich Sherman Clyburn Kuhl (NY) Shuster Cohen Lampson Sires Convers Langevin Skelton Lantos Cooper Slaughter Larsen (WA) Costa Smith (WA) Costello Larson (CT) Snyder Courtney Lee Solis Lipinski Cramer Space Crowley Loebsack Spratt Cuellar Lofgren, Zoe Stark Cummings Lowey Sullivan Davis (AL) Lynch Sutton Davis (CA) Mahoney (FL) Tanner Davis (IL) Maloney (NY) Tauscher Davis, Lincoln Markey Thompson (MS) Marshall DeFazio Tierney DeGette Matheson Towns Delahunt Matsui McCarthy (CA) Tsongas DeLauro Udall (NM) McCarthy (NY) McCollum (MN) Dent Dingell Van Hollen Doggett McDermott Velázquez Visclosky Edwards McGovern Walberg Walz (MN) McIntyre Ellison McNerney Emanuel Wasserman Engel McNulty Meek (FL) Schultz Eshoo Waters Etheridge Meeks (NY) Watson Farr Melancon Fattah Watt Michaud Filner Miller (NC) Waxman Frank (MA) Weiner Miller, George Welch (VT) Mollohan Gerlach Gillibrand Moore (KS) Weyler Whitfield Gonzalez Moore (WI) Goodlatte Moran (VA) Woolsey Green, Al Murphy (CT) Wıı Green, Gene Murphy, Patrick Wvnn Grijalva Yarmuth

## NAYS—181

Aderholt Biggert Brady (TX) Akin Bilbray Broun (GA) Alexander Bilirakis Brown (SC) Altmire Bishop (UT) Brown-Waite, Bachmann Blackburn Ginny Bachus Blunt Burgess Baker Boehner Burton (IN) Barrett (SC) Bonner Calvert Bartlett (MD) Camp (MI) Bono Barton (TX) Boozman Campbell (CA) Berry Boustany Cannon

Pryce (OH) Cantor Johnson, Sam Carnev Putnam Carter Jordan Radanovich Castle Keller Ramstad Chabot King (IA) Regula Coble King (NY) Rehberg Cole (OK) Kingston Reichert Conaway Kline (MN) Renzi Crenshaw LaHood Reynolds Culberson Lamborn Rogers (AL) Davis (KY) Latham Rogers (KY) Davis, David LaTourette Rogers (MI) Deal (GA) Lewis (CA) Rohrabacher Diaz-Balart, L. Lewis (GA) Roskam Diaz-Balart, M. Lewis (KY) Royce Donnelly LoBiondo Rvan (WI) Doolittle Lucas Sali Drake Lungren, Daniel Saxton Dreier Schmidt Sensenbrenner Duncan Mack Ehlers Manzullo Shadegg Ellsworth Marchant Shavs Emerson McCaul (TX) Shimkus English (PA) McCotter Shuler Everett McHenry Simpson Smith (NE) Fallin McHugh Smith (NJ) Ferguson McKeon Flake McMorris Smith (TX) Rodgers Forbes Souder Fortenberry Mica Stearns Miller (FL) Fossella. Stupak Miller (MI) Foxx Tavlor Terry Franks (AZ) Miller, Gary Mitchell Frelinghuvsen Thompson (CA) Gallegly Moran (KS) Thornberry Garrett (NJ) Murphy, Tim Tia.hrt. Giffords Tiberi Musgrave Gilchrest Myrick Turner Neugebauer Gingrey Upton Goode Nunes Walden (OR) Gordon Pearce Walsh (NY) Granger Pence Wamp Weldon (FL) Graves Peterson (MN) Hall (TX) Peterson (PA) Westmoreland Hastings (WA) Petri Wicker Hensarling Pickering Wilson (SC) Hobson Pitts Wolf Platts Hoekstra Young (AK) Hulshof Poe Young (FL) Hunter Porter Inglis (SC) Price (GA)

## ANSWERED "PRESENT"—2

Gohmert Tancredo

# NOT VOTING—28

Brown, Corrine	Hayes	Rush
Carson	Jindal	Schiff
Cubin	Kanjorski	Serrano
Davis, Tom	Kaptur	Sessions
Dicks	Knollenberg	Udall (CO)
Doyle	Levin	Weller
Feeney	Linder	Wilson (NM)
Gutierrez	McCrery	Wilson (OH)
Harman	Oberstar	
Hastert	Paul	

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are advised there are less than 2 minutes remaining on this vote.

### $\square$ 1420

So the Journal was approved.

The result of the vote was announced as above recorded.

### PERSONAL EXPLANATION

Mrs. WILSON of New Mexico. Mr. Speaker, on rollcall No. 1093 and 1094 I was unavoidably detained. Had I been present, I would have voted "nay" on both votes.

PROVIDING FOR CONSIDERATION OF CONFERENCE REPORT ON H.R. 3074, TRANSPORTATION, HOUSING AND URBAN DEVELOP-MENT, AND RELATED AGENCIES APPROPRIATIONS ACT, 2008

The SPEAKER pro tempore. The gentleman from New York (Mr. ARCURI) is recognized for 1 hour.

Mr. ARCURI. Mr. Speaker, for purpose of debate only, I yield the customary 30 minutes to the gentleman from Florida (Mr. LINCOLN DIAZBALART). All time yielded during consideration of this rule is for debate only.

#### GENERAL LEAVE

Mr. ARCURI. Mr. Speaker, I ask unanimous consent that all Members be given 5 legislative days in which to extend their remarks on House Resolution 817.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. ARCURI. Mr. Speaker, House Resolution 817 provides for consideration of the conference report to accompany H.R. 3074, the Transportation, Housing and Urban Development, and Related Agencies Appropriations Act.

I want to thank the distinguished chairman of the Appropriations Committee and the ranking member for bringing a conference report to the floor that makes critical investment in our Nation's transportation infrastructure at levels guaranteed in SAFETEA-LU.

The conference report also rejects the administration's proposed funding cuts to the Federal Aviation Administration's Airport Improvement Program, highway programs, and critical housing and community development programs.

The conference report provides \$151 million more than current funding for the FAA, \$765 million more than the President's request for FAA Airport Improvement Program, which provides grants for airport planning, construction and development.

Recipients of AIP funds such as Griffiss Park Airfield in my upstate New York district have benefited greatly from this program. Over the last few years, AIP funds have helped Griffiss continue to fully develop as a regional aviation facility, become the new home for the Oneida County Airport, create long-term regional economic growth for a region seeking to attract new investment.

The conference report also maintains our commitment to keeping our airways safe by providing \$7 billion for air traffic organization, including \$16 million to hire more than 1,400 new air traffic controllers to replenish the work force as the rate of retiring air traffic controllers continues to grow, and provides critical funding to hire and train more safety inspectors and for other aviation safety activities.

Mr. Speaker, this conference report provides \$3.5 billion more than current

levels for the Transportation Department. These additional funds will provide for much needed investments in our Nation's highways, road construction and repair, and transportation safety.

This conference report boosts funding for the Federal Transit Administration by providing \$227 million more than the President's request for mass transit programs. Local transit authorities, such as the Central New York Regional Transit Authority and Centro in my district, will now be able to expand their hybrid bus fleet and continue to provide low-cost, convenient, clean and energy-efficient transportation services to commuters in both upstate New York and in New York City.

This conference report also increases funding for the Housing and Urban Development Department by \$3.1 billion above the President's request.

The President's budget request sought to eliminate funding for the HOPE VI program, but I am so pleased that this legislation will maintain our commitment to providing affordable housing for the many disadvantaged individuals across our country, individuals that still struggle daily to meet their family's needs, even while working full-time jobs.

In 2003, the City of Utica, New York was the recipient of an \$11.5 million HOPE VI grant for revitalization of a local residential community. This grant has allowed for significant improvements in safety and greater access to service and facilities for its residents. It would be a shame if similar communities around the country were unable to reap the benefits of the HOPE VI program.

The conference report restores funding for the Community Development Block Grant program, which this administration has cut since 2001 by nearly 35 percent. This conference report provides \$922 million more than the President's request for CDBG grants, which allow local governments in cities such as Utica, Rome and Auburn, New York to provide critical service to revitalize neighborhoods, promote economic development and improve quality of life for those starved of financial resources.

Localities across my upstate New York district rely on CDBG funds to support vital redevelopment efforts that improve housing, assist local businesses, and offer services that promote safety and reduce crime. CDBG funds have been used by the City of Utica to prepare sites like those in the Corn Hill area for new housing construction by demolishing existing structures, replacing antiquated sewer lines, planting trees, constructing new sidewalks and curbs and paving streets, improving the quality of life for all the citizens of that city.

CDBG funds have been used in the City of Auburn to provide small business assistance loans to help new businesses make it through their first critical year of start-up, retain their em-

ployees, and grow their business. CDBG funds are also used by Auburn to support after-school programs, child care subsidies, and even counseling for children in crisis.

In the City of Rome, these funds are also used to assist new small businesses and also to assist low- to moderate-income persons make needed health and safety improvements to their homes, such as helping seniors with the installation of ramps and railings that allow them to remain living in their homes, and helping people deal with emergencies like failure and roof collapse. These are important parts of this bill.

I reserve the balance of my time.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, there are, I'm certain, very important programs that are funded by the legislation being brought forth today. And without any doubt, the Transportation and HUD appropriations bill is one of the most important appropriations bills that we face and we consider and we pass every year.

What is unfortunate is that it has been brought forth, it has been brought to this floor by the majority in a manner that is consistent with a pattern that is most unfortunate, objectionable

As a matter of fact, that pattern, another aspect of that pattern is the subject of an editorial today by a newspaper that analyzes and informs on a daily basis with regard to this Congress. The newspaper is called Roll Call, and it has an editorial today about another aspect of the pattern that is most unfortunate and that we're seeing with the way in which this, albeit, very important piece of legislation is being brought forth today. Because it wasn't until, and we'll talk a little bit about the other aspect of the pattern that is the object of the Roll Call editorial in a minute. But with regard to this legislation, it was publicly available at 7 p.m., approximately, last night for the first

### □ 1430

By the way, not in a very accessible way, in a format that's not very accessible: it was put online. There was no way to look at all of the legislation in that manner, in the format in which it was made available around 7 p.m. last night.

Now, Mr. Speaker, in the rules of the House, there is a requirement that before an appropriations bill is considered by this House, 3 days, 72 hours, must pass. That rule was waived by the majority in the Rules Committee last night.

Now, in addition to that rule, there is a custom and a custom that is repeatedly made reference to. As a matter of fact, it's not only custom, but in the promises made by the new majority in a document during the campaign the last election, the new majority in a document entitled "A New Direction

for America," they talked about that at the very least, if not 3 days for an appropriations bill to be able to be considered by the membership before it is brought forth that there should be at least 24 hours. I read from the document "A New Direction for America": "Members should have at least 24 hours to examine bill and conference reports texts prior to floor consideration."

So not only do we not have the 3 days because that's waived by the rule, it's a rule but it was waived by the majority of the Rules Committee, which is what we saw last night, but, in addition, not even the 24 hours now for Members to be able to look at the legislation that is before them. Most unfortunate. It violates the promise of the majority in addition to what I would say is an elemental required fairness for this process to work.

Now, I talked about the pattern. It's not just the lack of 24-hour notice; it's a pattern. Let's look at Roll Call today. They talk about the fact that there have been multiple threats by the majority to restrict something that hasn't been restricted since 1822, and that is one of the few legislative means, procedural means by which the minority can seek to amend legislation, and it's called, Mr. Speaker, the motion to recommit. And that hasn't been restricted since 1822. The majority has repeatedly now during this year, the first year of this Congress, this year that is already coming to an end, it's talked about that it wants to restrict that right that the minority has, one of the few vehicles that the minority has had since 1822 to try to amend legislation.

Roll Call, a newspaper, Mr. Speaker, that covers what we do here, observes us very carefully, has an editorial in today's edition: "Despite promises to manage the House on a more open basis than Republicans did during their 12-year rule," Roll Call says today in an editorial, "Democrats have prohibited any floor amendments at more than double the rate of the previous Congress."

And then Roll Call goes on to ask the Democrats not to do what they have threatened to do, and that is restrict the procedural vehicle that has been available and unrestricted since 1822, the motion to recommit. So note, Mr. Speaker, the pattern.

Now, I wish, I really wish, because of the importance of the programs funded by this legislation that we could discuss those programs. But when we are seeing this pattern of unfairness, of constant tightening, restricting the legislative process despite, and in contrast to, the promises made by the majority included in this "A New Direction for America" where they said, well, if we're not going to give 3 days, which is what the rules require, because sometimes we might have to waive that in the interest of time, then at least 24 hours. So, no, this legislation, the first time it was posted was 7 p.m. That's when it could be seen.

Wilson (SC)

Young (AK)

Young (FL)

By the way, I am informed by people who are a lot more expert than I am at the format by which the legislation was posted at 7 p.m. that at 7 p.m. with that format, the details of the legislation could not be accessed. So really, Mr. Speaker, what we are talking about is a lot less than even that time if we wouldn't have come to the floor until 7 p.m., which is what the New Direction for America promised, the majority repeatedly promised, and which would have been elementally fair in addition to in compliance with the promise of the majority.

Mr. Speaker, at this time I would ask my friend, and he is my friend, Mr. ARCURI from New York, how many speakers he has wishing to speak.

Mr. ARCURI. I have no other speakers.

#### MOTION TO ADJOURN

LINCOLN DIAZ-BALART Florida. Mr. Speaker, I move that the House do now adjourn.

The SPEAKER pro tempore. The question is on the motion to adjourn.

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 150, nays 244, not voting 38, as follows:

# [Roll No. 1095]

YEAS-150 Aderholt Emerson Lungren, Daniel English (PA) Akin  $\mathbf{E}$ Alexander Mack Fallin Bachus Feeney Manzullo Barrett (SC) McCaul (TX) Flake Bartlett (MD) Forbes McCrery Barton (TX) McHenry Foxx Franks (AZ) Riggert. McKeon Frelinghuysen Bilbray Mica Bilirakis Gallegly Miller (FL) Bishop (UT) Garrett (NJ) Miller (MI) Blackburn Gerlach Murphy, Tim Blunt Giffords Musgrave Boehner Gilchrest Pearce Bonner Gingrey Peterson (PA) Bono Gohmert Petri Boustany Pickering Goode Goodlatte Brady (TX) Pitts Broun (GA) Gordon Platts Buchanan Granger Porter Burton (IN) Graves Price (GA) Buver Hall (TX) Pryce (OH) Calvert Hastings (WA) Putnam Camp (MI) Hayes Rangel Campbell (CA) Heller Rehberg Cannon Hensarling Reichert Cantor Hobson Renzi Capito Hoekstra. Revnolds Hulshof Rogers (AL) Carter Inglis (SC) Chabot Rogers (KY) Coble Issa. Rohrabacher Cole (OK) Ros-Lehtinen Johnson (IL) Conaway Johnson, Sam Royce Ryan (WI) Crenshaw Jordan Culberson Keller Sali King (IA) Davis (KY) Saxton Davis, David King (NY) Schmidt Deal (GA) Kingston Sensenbrenner Delahunt Shadegg Kirk Knollenberg Diaz-Balart, L. Shays Diaz-Balart, M. Lamborn Shimkus Doolittle Latham Shuster LaTourette Drake Simpson Smith (TX) Dreier Lewis (KY) Duncan Linder Sullivan Ehlers Lucas Tancredo

Walberg Thornberry Tiahrt Wamp Tiberi Westmoreland Turner Wicker Wilson (NM) Upton

Abercrombie

Ackerman

Allen

Altmire

Andrews

Bachmann

Arcuri

Baird

Baldwin

Barrow

Becerra

Berkley

Berman

Bishop (GA)

Bishop (NY)

Blumenauer

Boozman

Boswell

Boucher

Boyd (FL)

Boyda (KS)

Brady (PA)

Braley (IA)

Brown (SC)

Ginny

Butterfield

Carnahan

Burgess

Capps

Carney

Castle

Castor

Clarke

Cleaver

Clyburn

Cohen

Convers

Cooper

Costello

Courtney

Cramer

Crowley

Cuellar

Cummings

Davis (AL)

Davis (CA)

Davis (IL)

DeFazio

DeGette

DeLauro

Dent

Dicks

Dingel1

Doggett

Donnelly

Edwards

Ellsworth

Emanuel

Etheridge

Everett

Fattah

Filner

Ferguson

Fossella

Fortenberry

Frank (MA)

Gillibrand

Gonzalez

Green, Al

Baker

Capuano

Cardoza

Davis, Tom

Carson

Cubin

Doyle

Farr

Engel

Eshoo

Ellison

Davis, Lincoln

Costa

Clay

Chandler

Brown, Corrine

Brown-Waite,

Boren

Berry

Bean

#### NAYS-244

Green, Gene Myrick Grijalva Nadler Gutierrez Napolitano Hall (NY) Neal (MA) Obey Hare Harman Olver Hastings (FL) Ortiz Herger Pallone Herseth Sandlin Pascrell Hill Pastor Hinchey Payne Hinojosa Perlmutter Hirono Peterson (MN) Hodes Pomerov Holden Price (NC) Holt Rahall Honda Ramstad Hooley Regula Hoyer Reves Hunter Richardson Inslee Rodriguez Israel Rogers (MI) Jackson (IL) Ross Jackson-Lee Rothman (TX) Roybal-Allard Jefferson Rush Johnson (GA) Ryan (OH) Johnson, E. B. Salazar Jones (NC) Sánchez, Linda Jones (OH) Т. Kagen Sanchez, Loretta Kanjorski Sarbanes Kaptur Schakowsky Kennedy Schiff Kildee Schwartz Kilpatrick Scott (GA) Kind Scott (VA)

Klein (FL) Serrano Kline (MN) Sestak Kucinich Shea-Porter Kuhl (NY) Sherman LaHood Shuler Lampson Sires Langevin Skelton Lantos Slaughter Larsen (WA) Smith (NE) Larson (CT) Smith (NJ) Lee Snyder Lewis (CA) Solis Lewis (GA) Space Lipinski LoBiondo Spratt Stark Loebsack Stearns Lofgren, Zoe Stupak Lowey Sutton Lynch Tanner Mahoney (FL) Tauscher Maloney (NY) Marchant Taylor Terry Markey Marshall Thompson (CA) Matheson Thompson (MS) Towns Matsui McCarthy (NY) Tsongas Udall (NM) McCotter Van Hollen McGovern McHugh Velázquez McIntyre Visclosky Walden (OR) McNerney McNulty Walsh (NY) Meeks (NY) Walz (MN) Wasserman Michaud Miller (NC) Schultz Miller, Gary Miller, George Waters Watson

Watt

Wolf

Wvnn

Wu

Waxman

Welch (VT)

Weiner

Woolsey

# Murphy, Patrick NOT VOTING-38

Mitchell

Mollohan

Moore (KS)

Moore (WI)

Moran (KS)

Murtha.

Murphy (CT)

Hastert McMorris Higgins Rodgers Jindal Meek (FL) Levin Melancon McCarthy (CA) Moran (VA) McCollum (MN) Neugebauer McDermott Nunes

Oberstar Paul Pence Poe Radanovich Roskam

Ruppersberger Sessions Smith (WA) Souder Tierney Udall (CO)

Weldon (FL) Weller Wexler Whitfield Wilson (OH) Yarmuth

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE The SPEAKER pro tempore (during the vote). Members are advised there is less than 1½ minutes remaining.

#### $\Box$ 1456

Messrs. BRALEY of Iowa, ROTHMAN and HINCHEY, and Mrs. LOWEY, Mrs. JONES of Ohio and Mrs. MYRICK changed their vote from "yea" "nay.

Messrs. TURNER and BARTLETT of Maryland changed their vote from "nay" to "yea."

So the motion to adjourn was rejected.

The result of the vote was announced as above recorded.

Stated against:

Mr. RUPPERSBERGER. Mr. Speaker, on rollcall No. 1095, I was unable to vote due to medical reasons. Had I been present, I would have voted "nav."

PROVIDING FOR CONSIDERATION ofCONFERENCE REPORT ON 3074. TRANSPORTATION. H.R. HOUSING AND URBAN DEVELOP-MENT, AND RELATED AGENCIES APPROPRIATIONS ACT, 2008

The SPEAKER pro tempore. The Chair recognizes the gentleman from Florida.

Mr. LINCOLN DIAZ-BALART Florida. Mr. Speaker, I will be asking for a "no" vote on the previous question so that we can amend this rule and move toward passing a conference report on the bipartisan Military Construction-Veterans Affairs Appropriations Act.

The House passed the veterans and military funding bill on June 15 by a vote of 409-2, with the Senate following suit and naming conferees on September 6. Unfortunately, the majority leadership in the House has refused to move the Military Construction-Veterans Affairs Appropriations Act. They have even refused to name conferees.

Now, the question that is begged, Mr. Speaker, is why has the majority decided to hold off on moving this bill that obviously has such bipartisan support. Well, according to several publications, including this one, Roll Call, the majority intends to hold off sending appropriations bills to President Bush so that they can use the veto of the Labor-HHS appropriations bill to serve as "an extension of their successful public relations campaign on the SCHIP program.

Mr. DREIER. Will the gentleman yield for one moment?

Mr. LINCOLN DIAZ-BALART Florida. Yes, I will yield to my distinguished friend.

Mr. DREIER. Was that quote that my friend provided something that was written by Republican staff members? Where exactly did that come from?